



Appeal Decisions

Site visit made on 16 June 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2020

Appeal A Ref: APP/A4710/W/20/3245903

Ball Green Cottage, Well Head Lane, Sowerby, Sowerby Bridge, HX6 1NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Whitaker against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref: 19/01103/HSE, dated 6 September 2019, was refused by notice dated 8 November 2019.
 - The development proposed is described as: Partial demolition of attached store, enlargement of existing vehicular access, formation of a new pedestrian access and formation of new vehicular access.
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Appeal B Ref: APP/A4710/Y/20/3245905

Ball Green Cottage, Well Head Lane, Sowerby, Sowerby Bridge, HX6 1NN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr M Whitaker against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref: 19/01104/LBC, dated 6 September 2019, was refused by notice dated 8 November 2019.
 - The works proposed are described as: Partial demolition of attached store, enlargement of existing vehicular access, formation of a new pedestrian access and formation of new vehicular access.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary matters

3. Both appeals relate to the same proposal, Appeal A is made in respect of the planning application and Appeal B in respect of the application for listed building consent. As the proposal relates to a listed building, in determining the appeals, I have had regard to sections 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issue in respect of Appeal A is the effect of the proposed development on the safe operation of the highway in the vicinity of the appeal site.
5. The main issue in respect of Appeal B is the effect of the proposed works on the special interest of Ball Green Cottage and Ball Green Farm, and the wall with archway attached to Ball Green which are listed Grade II.

Reasons

Appeal A - Highway safety.

6. The appeal site is located on Well Head Lane, a country road following a sinuous alignment, forming part of a network of roads and lanes though the countryside west of Sowerby. In common with the other minor roads in the vicinity, it is bounded to each side by a dry stone wall approximately 1.5 metres high, built directly on the edge of the carriageway without any intervening verge. Although the adjoining dry stone walls create the impression of a constrained width, in practice, the carriageway is sufficiently wide to allow two vehicles to comfortably pass each other. Well Head Lane is subject to a 30 mph speed limit.
7. Saved Policy BE5 of the Calderdale Unitary Development Plan 2006 (the UDP) expects, among other matters, that the design and layout of new accesses to ensure the safe and free flow of traffic in the interests of highway safety. This aspect of the policy is consistent with the requirements of the National Planning Policy Framework (the Framework) that new development should provide a safe and suitable access to the site for all users. The Framework sets out that development should only be prevented on highway grounds if there would be an unacceptable impact of highway safety, or the residual cumulative impacts on the road network would be severe. It is not suggested by the Council that the proposed development would result in capacity or congestion issues in the local highway network and the proposal falls to be decided on whether the alterations to the existing access and the proposed new access would have an unacceptable impact on highway safety.
8. Ball Green Cottage is currently accessed by way of a gateway located in the wall forming the boundary between the carriageway and the garden of the property. I saw when I visited the site that although there is a hardstanding area within the curtilage adjacent to the existing gate, the opening in the boundary wall is restricted in width. It is not so narrow as to be unusable by modern vehicles, however, there would be insufficient clearance for some. There is no turning facility within the site and, consequently, in its current configuration there would be some reversing manoeuvres onto Well Head Lane resulting from its use.
9. It is not clear from the appellant's evidence how frequently the existing access is used at present, and I did see when I visited the site that, just to the east of Ball Green Cottage, there has been a small localised widening of the carriageway which serves to facilitate the parking of a vehicle whilst reducing obstruction of the carriageway.
10. It is common ground that neither the widened existing access, nor the proposed new access would achieve the 2.4 by 43 metres visibility requirement

for a 30 mph road that is set out in the Manual for Streets. I note that the Highway Authority have commented that, due to the height of the wall and the curved alignment of the road, if a vehicle were joining the carriageway in forward gear, the driver at both accesses would have visibility of less than 10m until the vehicle was positioned well within the highway. The Highway Authority also state that if a vehicle were reversing onto the carriageway, the vehicle would be almost completely outside the property before the driver was able to see other oncoming road users. This is not disputed by the appellant.

11. From my observations at the site in respect of the alignment of the road and the visibility from the access points, I would concur with the views of the Highway Authority, particularly in respect of vehicles travelling from the east towards the appeal site on the same side of the road as the access. I saw that, whilst not heavily trafficked, there were, nonetheless, frequent vehicle movements along Well Head Lane. The height of the boundary wall is such that a driver leaving the site from either the altered existing access point, or the proposed new access would not be aware of the proximity of road users before entering onto the main carriageway. This would result in conditions prejudicial to the safe operation of the highway. I accept that there is an existing access to the site that has very poor visibility, however, this does not justify the creation of a further access with substandard forward visibility or intensifying the use of the existing access point. Similarly, although there are two further accesses at Ball Green Farm, the presence of these, which both have a different configuration to the proposed accesses at Ball Green Cottage, do not justify a further substandard access.
12. I have noted the appellant's point that the proposed development would remove the need for vehicles to park on the carriageway of Well Head Lane. However, to the east of the appeal site, Well Head Lane has a straight alignment from its junction with Back Rigging Lane until it bends past the appeal site. As a result of this, vehicles travelling west would have sufficient forward visibility to observe a vehicle parked on the carriageway and react accordingly.
13. I also observed whilst at the site that although a vehicle parked on the widened section of carriageway adjacent to the appeal site reduced the width of the road to the extent that two vehicles could not pass each other and the parked vehicle, a large, rigid, heavy goods vehicle was able to pass a vehicle parked in this location unhindered. Although the carriageway width was reduced it was not obstructed to the extent that an inherently unsafe situation resulted. Consequently, whilst there would be some benefit from the proposal in the removal of an obstacle in the highway, this does not outweigh the harm that would be caused as a result of insufficient visibility from the proposed new access and the altered existing access to the appeal site.
14. I therefore conclude that the proposed development would be harmful to the safe operation of the highway in the vicinity of the appeal site. It would not comply with the relevant requirements of Saved Policy BE5 of the UDP or the requirements of the Framework.

Appeal B - The effect of the proposed works on the special interest of the listed buildings

15. The appeal building is Listed as Ball Green and Ball Green Cottage, with Ball Green Cottage having been formed by the subdivision of the original house.

The building is of stone with a stone slate roof and has a gabled frontage facing Well Head Lane at a slight angle. The List description indicates that it was built in the early part of the Seventeenth Century. Attached to the front elevation of the building, is a small, stone built, outbuilding with a monopitch stone slate roof. Together, Ball Green and Ball Green Cottage are Listed at Grade II. A tall, coursed stone, wall with stone coping and ball finials, and containing an arched entranceway, joins Ball Green and Ball Green Cottage to a stone built barn on the opposite side of the access to Ball Green. This wall and archway are separately Listed at Grade II. A coursed, dry stone, wall approximately 1.5 metres high with a dressed, half round, coping forms the boundary of the site with Well Head Lane and continues as a field boundary beyond the curtilage of the building. This style of wall is also used as field boundaries in the surrounding area. I concur with the Council that this further section of wall can be considered as curtilage listed in so far as it forms the curtilage boundary of Ball Green and Ball Green Cottage to which it is attached by way of the listed wall and archway. In coming to this conclusion, I have also been mindful of the area of landownership, and its functional relationship to the host properties.

16. There is little in the way of substantive evidence from either party in respect of the significance of the listed buildings. The Council state that Ball Green and Ball Green Cottage were likely built as a yeoman's farmhouse and the building is indicative of Calderdale's agricultural heritage and the architecture of the time. The Council also state that the boundary wall is a useful indicator of the fields associated with the farmhouse at the time that the walls were built, being both taller and exhibiting better workmanship than other dry stone walls in the area. Although the appellant submitted a document titled 'Heritage Impact Assessment/ Design and Access Statement' with the application for listed building consent, this is restricted to a general description of the proposals and does not contain any information in respect of the heritage assets or an assessment of the effect of the proposed works on them.
17. From the evidence before me, I consider that the significance of the listed building group is derived from its historic fabric, the vernacular use of local materials, and the social and historic evidence they provide. In particular it provides evidence of the agrarian function of the buildings, the housing and lifestyle of the former farmer occupant, the local architectural style of this part of Yorkshire in the Seventeenth Century, and the walls provide clear evidence of the extent and form of the immediate landholding historically associated with the farmhouse.
18. The proposed works would increase the width of the existing gateway that provides access to Ball Green Cottage from Well Head Lane and would create a new opening in the boundary wall, with a timber sliding gate, to provide access to a new hardstanding/parking area that would be formed within the present side garden of the property.
19. The existing gateway that provides access to Ball Green Cottage is narrower than the field gates in the surrounding area, which reflects its earlier purpose of providing access to the curtilage of the house. The appeal proposal would see this opening increased in width to a size closer to that of the field accesses in the area. It would also result in the addition of a secondary, personnel, gate within the same opening. The new opening to the proposed additional

hardstanding area within the side garden would also be of similar width to field access gates in the surrounding area.

20. The boundary wall is an integral part of the historic character and use of the building. The proposed widening of the existing gateway would introduce a type and configuration of gate that would be at odds with the historic form and use of the appeal building. The proposed new entrance, in addition to its size, would provide access to an area of the curtilage that historically would not have required an opening of the proposed width. Although there are existing entrances to the site and to the other agricultural buildings associated with Ball Green, from what I saw when I visited the site, these have a clear hierarchy of historic functions, with the access through the listed wall and gate functioning as the principal entrance to the original house, a wider access to the south west providing access to the farm yard and associated buildings and the access to the north west (now the access to Ball Green Cottage) providing access to the garden of the house. The widening of the north west access and the insertion of a new, wide, opening between this and the listed archway would result in this hierarchy being markedly less clear. The proposed works would also result in a weakening of the degree of enclosure of the group of buildings as a whole, which is part of its historic character and which integrates it with the strong degree of enclosure of the surrounding fields.
21. There is a discrepancy between the written description of the works in the appeal statement and what is shown on the submitted drawings. The Appellant's statement sets out that the proposed new opening in the boundary wall would be provided with new stone piers to the sides using stone reclaimed from the where the gaps will be formed in the existing stone boundary walls. The submitted drawings, however, are annotated 'stone pilaster to match existing' but are drawn to a small scale that shows very little detail. When I visited the site, I observed that gate piers within the stone boundary walls, both around the appeal site and in the wider area, were fashioned from a single large piece of dressed stone with a rounded top. A similar gate pier could not be created from the smaller stone blocks used in the construction of the wall, and whilst new, single piece, stone gate piers could be made, there is no evidence before me that matching stone to the existing wall is available and new stone would not exhibit the same degree of weathering. In either case the proposed new piers would be inconsistent with the other gate piers in this boundary wall and others in the area. Within this context, I find that the proposed works to widen the existing access and to create a new opening in the boundary wall would cause harm to the setting of the building and its historic interest. In particular, it would make the hierarchy of openings confused.
22. The new parking area would be located adjacent to both the listed house and the listed wall and archway. There is no information in the submissions in respect of the surfacing materials for this other than that the surface would be permeable. The submitted drawings show that the hardstanding area would occupy almost all of the area to the side of the building and would result in the loss of all but a small part of the current side garden area. Although at the time of my site visit the side garden area was being used for the storage of various building materials, this garden area together with the front garden area forms an integral part of the setting of both adjacent listed buildings. The creation of such a large area of hardstanding would inevitably alter the setting of both listed buildings. However, in the absence of any specific details

regarding the design, construction, and materials to be used for the hardstanding area, it is not possible to conclude that these works would not cause harm to the setting of the listed buildings or their significance.

23. The small outbuilding attached to the front elevation of Ball Green Cottage, whilst not mentioned in the List description is nonetheless attached to, and part of, the listed building. List descriptions are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest of the building. It is stated in the Heritage Impact Assessment/ Design and Access Statement that it is proposed to alter this structure to improve access to the new parking area to the side of the building. The drawings submitted with the application are not detailed but indicate that the works proposed to this structure would involve the removal of approximately half of the roof and parts of the rear and side wall, with the remainder retained as an open log store.
24. This building was not assessed in the Heritage Impact Assessment and it was not possible to access the building during the site visit. It was, however, clear from the site visit that the building is of some age, and it is largely constructed of stone blocks of similar dimensions to those used in the listed walls and archway. The stonework of the outbuilding also showed similar levels of weathering, to that of the listed walls and archway. The information submitted with the application does not show how the integrity of the roof structure would be maintained after the works were carried out or how the truncated walls would be finished to maintain their integrity.
25. In the absence of any evidence in respect of this outbuilding and due to the lack of detail in the submissions, it is not possible to conclude that the proposed works would not cause harm to the architectural or historic interest of this part of the listed building, or that its significance would not be harmed.
26. Drawing these strands together, on the basis of the evidence before me and from what I observed during the site visit, some aspects of the proposed works would cause harm to the listed buildings and their setting and it has not been demonstrated that the works, taken as a whole, would preserve the buildings and their setting, or their features of architectural or historic interest.
27. From the information that I have been provided with, the proposed works would not result in a total loss of significance of the listed buildings and/or their setting. As a consequence of this, the degree of harm that they would cause would be less than substantial.
28. The Framework requires that where a proposed development would result in less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. The appellant identifies that removing the need for vehicles to park on the carriageway outside the site would improve highway safety and as such is a public benefit. As I have found in respect of Appeal A above, there is some public benefit in reducing potential obstructions in the highway, however, this is tempered by the fact that the altered existing access point and proposed new access point would both have substandard visibility and would as a result, create a different hazard to highway safety in the area. Little weight can, therefore, be given to this point and no other public benefits of the proposal have been identified. The Framework sets out that great weight must be given to the conservation of heritage assets and in this case the very small benefit of

removing a potential partial obstruction of the highway would not overcome the great weight that has to be given to any harm to the heritage asset.

29. I therefore conclude that the proposed works would cause harm to special interest of Ball Green Cottage and Ball Green Farm, and the wall with archway attached to Ball Green, which are Listed Grade II. They would not comply with the relevant requirements of Policies BE14 and BE15 of the UDP, and the requirements of the Framework, which seek to ensure that proposed works do not have an adverse effect on the architectural and historic character of a listed building and do not cause harm to the setting of a listed building.

Other matters

30. I have noted from the appeal Questionnaire and the Planning Officer's report that the site lies within the Green Belt. The effect of the proposed development and works on the Green Belt is not addressed in the planning officers report and does not form part of the reason for refusal of the planning application. Nonetheless, the Framework is clear that when considering any planning application, any potential harm to the Green Belt must be given substantial weight.
31. Paragraph 146 of the Framework sets out certain forms of development that are not inappropriate in the Green Belt if they preserve its openness and do not conflict with the purposes of including land within it. These include, among others, engineering operations. Engineering operations would include the formation or laying out of a means of access to a highway and the provision of hardstanding areas. From what I saw when I visited the site, the proposed alterations to the existing boundary wall to modify the existing access and create the proposed new access, would not have any noticeable effect on the openness of the Green Belt in either spatial or visual terms. Whilst the parking of vehicles on a currently open area would have a slight effect, this would be transitory, and the vehicles would be partially concealed by the existing walls and would be seen in context with the existing house. Overall, this would not reduce the openness of the Green Belt nor would it conflict with any Green Belt purposes. The proposed development would therefore not be inappropriate development in the Green Belt. However, this does not overcome the other harm that I have found.

Conclusion

32. For the above reasons, I conclude that both appeals should be dismissed.

John Dowsett

INSPECTOR